

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re FTCA Flint Water Cases

Case No. 17-cv-11218
(Consolidated)

This Order Relates to:
ALL CASES

Linda V. Parker
United States District Judge

**ORDER MODIFYING AND EXTENDING CMO 4 DEADLINES AND DENYING
AS MOOT THE UNITED STATES' MOTION TO EXTEND AND MODIFY
CASE MANAGEMENT DEADLINES**

On August 7, 2023, the United States filed a motion seeking to extend the discovery and motion deadlines in Case Management Order No. 4 (“CMO 4”) (ECF No. 172). (ECF No. 236.) At a November 7 status conference held after the motion was fully briefed, the parties indicated their agreement that the dates need to be extended and the Court instructed them to meet and confer and submit a proposed stipulated order with modified deadlines. Unable to reach agreement as to all dates, the parties submitted alternative proposals.

Having reviewed the parties’ submissions, and finding good cause to extend the deadlines in CMO 4, those deadlines are modified as follows:

Fact Discovery Deadline (CMO 4 ¶ II(10)):	Completed by December 15, 2023
---	--------------------------------

Motion/Response/Reply Relating to Discretionary Function Exception (CMO 4 ¶ II(11)):	The United States may file a Rule 12(h)(3) motion relating to the FTCA's discretionary function exception by February 9, 2024; Plaintiffs may file a response within 60 days of the motion; United States may file a reply within 30 days of Plaintiffs' response.
Submission of Expert Discovery Protocol to Court for approval or, if necessary, competing proposals: ¹	By January 17, 2024
Expert Discovery (CMO 4 ¶ II(12)):	<p>a. Disclosure of expert testimony by Plaintiffs, pursuant to FRCP 26(a)(2), by February 23, 2024;</p> <p>b. Disclosure of expert testimony by the United States, pursuant to FRCP 26(a)(2), by April 5, 2024;</p> <p>c. By April 15, 2024, the parties will meet and confer regarding when the parties' supplemental disclosures under FRCP 26(a)(2)(D)(ii) (if any) will be due;</p> <p>d. Depositions of experts disclosed by Plaintiffs by June 10;</p> <p>e. Depositions of experts disclosed by the United States by July 15, 2024.</p>

¹ The Expert Discovery Protocol shall include, but not be limited to, provisions to facilitate scheduling of depositions of expert witnesses disclosed pursuant to FRCP 26(a)(2) and exchanging the facts or data considered by an expert witness in forming opinions disclosed in a report, pursuant to FRCP 26(a)(2)(B)(ii), prior to an expert's deposition.

Motions/Response/Reply Related to Subject Matter Jurisdiction, Summary Judgment and Daubert Motions (CMO 4 ¶ II(13)):	Motions related to subject matter jurisdiction (other than the discretionary function exception, as noted above), for summary judgment, or Daubert motions by September 16, 2024; Responses within 60 days from when the motion is filed; Replies within 30 days from when the response is filed.
---	---

IT IS SO ORDERED.

Dated : December 5, 2023

s/Linda V. Parker
LINDA V. PARKER
U.S. District Judge